

MESSAGE NO: 7116205 MESSAGE DATE: 04/26/2007

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-864

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/18/2006 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING ON ANTIDUMPING DUTY ORDER ON PUR MAGNESIUM IN
GRANULAR FORM FROM CHINA (A-570-864)

MESSAGE NO: 7116205

DATE: 04 26 2007

CATEGORY: ADA

TYPE: SCO

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 864

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PERIOD COVERED: 10 18 2006 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING ON ANTIDUMPING DUTY ORDER ON PUR MAGNESIUM
IN GRANULAR FORM FROM CHINA (A-570-864)

1. ON OCTOBER 18, 2006, IN RESPONSE TO A REQUEST BY THE ESM GROUP INC. ("ESM"), THE DEPARTMENT OF COMMERCE ("THE DEPARTMENT") ISSUED A FINAL SCOPE RULING THAT ESM'S PURE MAGNESIUM INGOTS OF U.S. ORIGIN THAT ARE ATOMIZED IN THE PRC AND RETURNED TO U.S. ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PURE MAGNESIUM IN GRANULAR FORM FROM THE PRC (A-570-864).

2. PURSUANT TO A JOINT STIPULATION FOR ENTRY OF JUDGMENT FILED ON APRIL 3, 2007 IN THE U.S. COURT OF INTERNATIONAL TRADE IN

CONNECTION WITH READE MANUFACTURING CO. V. UNITED STATES, CT. NO. 06-420, THE DEPARTMENT IS HEREBY RESCINDING AND VACATING ITS FINAL SCOPE RULING, ON THE ABOVE MENTIONED SCOPE EFFECTIVE OCTOBER 18, 2006.

3. FOR ALL SHIPMENTS OF PURE MAGNESIUM OF US ORIGIN SENT TO THE PRC TO BE ATOMIZED AND RE-EXPORTED TO THE UNITED STATES, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, SUSPEND LIQUIDATION OF ANY ENTRIES OF PURE MAGNESIUM IN GRANULAR FORM FROM THE PRC THAT HAVE NOT YET BEEN LIQUIDATED, EFFECTIVE OCTOBER 18, 2006. FOR ALL SHIPMENTS OF PURE MAGNESIUM OF US ORIGIN SENT TO THE PRC TO BE ATOMIZED AND RE-EXPORTED TO THE UNITED STATES, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES, AND CONTINUE TO SUSPEND AND COLLECT CASH DEPOSITS ON ALL OTHER MERCHANDISE SUBJECT TO THE ORDER, WITHOUT REGARD TO THE RESCINDED

FINAL SCOPE RULING.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ("CBP") ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS

AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVC ENFORCEMENT, IMPORT ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 08: HL).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party